

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filing Date12/22/2000
Inventorship Jakstadt et al.
Applicant Microsoft Corporation
Group Art Unit3624
ExaminerL.M. Hamilton
Attorney's Docket No. MS1-428US
Title: A System and Method for Secure Third-Party Development and Hosting
within a Financial Services Network

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APPEAL BRIEF

To: MS: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: David A. Morasch Tel. 509-324-9256 ext. 210
Fax 509-323-8979
Customer # 22801

Pursuant to 37 C.F.R. §41.37, Appellant hereby submits an Appeal Brief for Application No. 09/747,308 filed December 22, 2000. A Notice of Appeal was filed September 6, 2005. Accordingly, Appellant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

TABLE OF CONTENTS

<u>Appeal Brief Items</u>	<u>Page</u>
(i) Real Party in Interest	3
(ii) Related Appeals and Interferences	3
(iii) Status of Claims	3
(iv) Status of Amendments	4
(v) Summary of Claimed Subject Matter	5
(vi) Grounds of Rejection to be Reviewed on Appeal	9
(vii) Argument	9
(viii) Claims Appendix	17
(ix) Evidence Appendix	22
(x) Related Proceedings Appendix	22

1 **(i) Real Party in Interest**

2 The real party in interest is the Microsoft Corporation, the assignee of all
3 right and title to the subject invention.

4
5 **(ii) Related Appeals and Interferences**

6 Appellant is not aware of any other appeals or interferences which will
7 directly affect, be directly affected by, or otherwise have a bearing on the Board's
8 decision to this pending appeal.

9
10 **(iii) Status of Claims**

11 Allowed Claims: No claims have been allowed.

12 Canceled Claims: Claims 10-18, 26, and 28 were previously canceled.

13 Amended Claims: Claims 1, 6-8, 19-20, 22-23, 25, and 27 have been
14 previously amended.

15 Pending Claims: Claims 1-9, 19-25, and 27 stand rejected and are
16 pending in this Application as set forth in the Claims Appendix on page 17.

17 Appealed Claims: All of the pending claims are subject to this appeal and
18 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No.
19 6,408,284 to Hilt et al. as set forth in the Final Office Action dated April 6, 2005.

1 **(iv) Status of Amendments**

2 A Final Office Action was issued on April 6, 2005 whereupon Appellant
3 filed a Response on July 5, 2005 to address the 35 U.S.C. §102 rejection of
4 pending claims 1-9, 19-25, and 27. No claims were amended in the Response.

5 An Advisory Action was issued on August 12, 2005 dismissing Appellant's
6 traversal and maintaining the rejection of the pending claims 1-9, 19-25, and 27.

7 Appellant filed a Notice of Appeal on September 6, 2005 in response to the
8 Advisory Action and the Final Office Action.

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1 **(v) Summary of Claimed Subject Matter**

2 Following is a concise explanation of each independent claim 1, 9, 19, and
3 23 involved in the Appeal which includes specification references and exemplary
4 drawing reference characters. As explained, the independent claims are not
5 limited solely to the elements identified by the reference characters.

6
7 Claim 1 is directed to an electronic billing statement presented as a user
8 interface (120, Fig. 1; 1400, Fig. 14). The billing statement includes a first
9 component (1402, 1404) hosted by a financial service center (102, Fig. 1) on a
10 Web server, the first component to navigate the user interface (UI) and invoke one
11 or more functions of the financial service center. The billing statement *also*
12 includes a second component (1406) hosted by a third-party (126), where the
13 second component provides detailed billing information (1410) from a biller (106)
14 to a user (104) of the financial service center on the Web server.

15 Appellant describes in the specification at least on page 27, lines 13-19, that
16 Fig. 14 graphically represents an example bill summary user interface (UI) (1400)
17 which includes a top navigation/function bar (1402) and a left navigation/function
18 bar (1404) which are elements authored and hosted by financial service center
19 (FSC) (102). In addition, UI (1400) includes lower frame (1406) which includes
20 an advertising banner (1408) and bill summary information (1410). According to
21 one embodiment, the lower frame (1406) is authored by biller (106), but hosted
22 from financial service center (FSC) (102).

23
24 Claim 9 is directed to a network (100, Fig. 1) facilitating electronic bill
25 payment and presentment to consumers (104), where the network includes a

1 financial service center (102) and a third-party server (*at* 106; *also* Fig. 4B). The
2 financial service center provides a common network address where consumers
3 (104) can review and pay bills from a number of billers (106), and hosts at least a
4 subset (1402, 1404 in Fig. 15) of a billing statement (120, Fig. 1; 1500, Fig. 15)
5 for review by a requesting user. The third-party server (*at* 106; *also* Fig. 4B) is
6 coupled to the financial service center and provides bill summary information to
7 the financial service center which securely and imperceptibly redirects the user to
8 the third-party server which hosts at least a subset (1502, Fig. 15) of the billing
9 statement comprising detailed billing information.

10 Appellant describes in the specification on page 7, lines 3-5, that a secure
11 third-party development system (116) enables third-parties (e.g., billers, technical
12 consultants for billers, etc.) to develop content which is provided to consumers
13 through the innovative financial service center (FSC) (102).

14 Appellant also describes in the specification at least on page 28, lines 1-5,
15 that Fig. 15 illustrates an example detailed billing user interface (1500) with a
16 financial service center (FSC)-hosted component and a biller-hosted component.
17 The navigation/function bars (1402) and (1404) are hosted from the financial
18 service center (FSC) 102, while the detailed billing information (1502) is hosted
19 from a biller's computer system (106).

20
21 Claim 19 is directed to an electronic bill presentment and payment (EBPP)
22 system (Fig. 1) that includes one or more servers (210(a-n), Fig. 2B) through
23 which billers (106) and consumers (104) access the EBPP system, and a secure
24 third-party development platform (402, Fig. 4A) via which authorized third-party
25

1 content developers (106) can develop content for publication via the EBPP system
2 for posting to users of the EBPP system on the one or more servers.

3 Appellant describes in the specification at least on page 8, line 26 to page 9,
4 line 1 that the financial service center (FSC) 102 is implemented using one or
5 more computer systems, or data servers, which work in cooperation to provide the
6 innovative services described. Appellant also describes in the specification at least
7 on page 17, lines 15-16 that the content authoring system (400) is comprised of
8 one or more development platforms (402(a-n)) (*see* Fig. 4A).

9 The secure third-party development system (116) enables third-parties
10 (e.g., billers, technical consultants for billers, etc.) to develop content which is
11 provided to consumers through the innovative financial service center (FSC)
12 (102). Unlike prior art EBPP systems, the secure third-party development system
13 (116) provides billers with substantial control over the form and substance of
14 content provided to consumers via the financial service center (FSC) (102) by
15 allowing the billers to author and/or host a portion of the content provided to the
16 consumers (*Specification* p.7, lines 3-9).

17
18 Claim 23 is directed to a method for validating third-party developed
19 content for publication through an electronic bill presentment and payment
20 (EBPP) system (Fig. 1). The method is described with reference to Fig. 7 in the
21 specification on page 21, line 20 to page 24, line 3. The method includes
22 receiving third-party developed content for posting to users of the EBPP system at
23 block (704) (*Specification* p.22, lines 3-10); reading the received third-party
24 developed content to identify logical, syntactical or security errors at block (706)
25 (*Specification* p.22, lines 11-18); and promoting only that content for which no

1 errors are identified for publication on one or more servers comprising the EBPP
2 system at block (712) (*Specification* p.22, lines 23-25).

3 The method also includes issuing instructions to a requesting user to render
4 a billing statement as a user interface (120, Fig. 1; 1400, Fig. 14) where the billing
5 statement reflects the third-party developed content, while one section (1402) of
6 the billing statement is hosted by the one or more servers, and another section
7 (1406) of the billing statement is hosted by a third-party server (described with
8 reference to method blocks 1212-1218 of method 1200 shown in Fig. 12).

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1 **(vi) Grounds of Rejection to be Reviewed on Appeal**

2 The rejection of all pending claims 1-9, 19-25, and 27 which stand rejected
3 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,408,284 to
4 Hilt et al. as set forth in the Final Office Action dated April 6, 2005.

5
6 **(vii) Argument**

7
8 **(A) Hilt does not disclose an electronic billing statement comprising**
9 **both a first component hosted by a financial service center and a**
10 **second component hosted by a third party.**

11
12 **Claims 1-8, 23-25, and 27**

13 Although dependent claims 4-6 are grouped with independent claim 1,
14 claims 4-6 are also argued separately herein and Appellant respectfully requests that
15 the subject matter of claims 4-6 be independently considered for allowance.

16
17 **Claim 1**, for example, recites:

18 An electronic billing statement presented as a user interface (UI), the
19 electronic billing statement comprising:

20 a first component hosted by a financial service center on a Web server, the
21 first component to navigate the user interface (UI) and invoke one or more
22 functions of the financial service center; and

23 a second component hosted by a third-party, the second component to
24 provide detailed billing information from a biller to a user of the financial service
25 center on the Web server.

1 Appellant submits that Hilt does not show or disclose an electronic billing
2 statement presented as a user interface comprising both a first component hosted
3 by a financial service center and a second component hosted by a third-party, as
4 recited in claim 1.

5 Hilt only describes that a consumer receives an invoice from a biller, the
6 consumer passes a bill pay order to the consumer's bank, a payment message
7 passes from the consumer's bank to the biller's bank, and the invoice is paid (*Hilt*
8 col.12, line 48 to col.15, line 9; Fig. 4). There is no indication in Hilt of an
9 electronic billing statement having a first component and a second component
10 each hosted by separate entities (i.e., a financial service center and a third-party to
11 a biller, respectively), as recited in claim 1.

12 In Hilt, each transaction item is specific to the sender of the item, and there
13 is no one item hosted by the separate participants. The invoice (billing statement)
14 is generated by the biller, the bill pay order is generated by the consumer, the
15 consumer's bank generates the payment message, and the biller's bank pays the
16 invoice back to the biller (*Hilt* col.12, line 48 to col.15, line 9; Fig. 4). There is no
17 electronic billing statement in Hilt that is jointly hosted by any of the separate
18 entities.

19 In Hilt, the customer invoice (billing statement) is simply sent from the
20 biller to the customer, and the customer invoice does not include first and second
21 components which are hosted by separate entities (*Hilt*, Fig. 4 numeral 120).
22 Since Hilt does not show or disclose an electronic billing statement including first
23 and second components hosted by separate entities, Hilt clearly can not show or
24 disclose such a billing statement where the first component is hosted by a financial
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1 service center, and a second component is hosted by a third-party, as recited in
2 claim 1.

3 Further, since Hilt does not show or disclose an electronic billing statement
4 which includes a first component hosted by a financial service center, and a
5 second component hosted by a third-party, Hilt clearly can not show or disclose
6 such a billing statement where the first component is hosted by a financial service
7 center on a Web server, and which can be used to navigate the user interface and
8 invoke one or more functions of the financial service center. Still further, Hilt
9 clearly can not show or disclose that the second component of the electronic
10 billing statement which is hosted by the third party can provide detailed billing
11 information from a biller to a user of the financial service center, as recited in
12 claim 1.

13 Accordingly, independent claims 1 and 23 are allowable over Hilt for at least
14 any one of these reasons and Appellant respectfully requests that the §102 rejection
15 be withdrawn. Given that claims 2-8 depend from claim 1 (either directly or
16 indirectly), and that claims 24-25 and 27 depend from claim 23 (either directly or
17 indirectly), Appellant submits that these dependent claims are likewise allowable
18 over Hilt and respectfully requests that the §102 rejection be withdrawn.
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1 **(B) Hilt does not disclose the features recited in at least dependent**
2 **claims 4-6, nor has the Office provided an indication as to which**
3 **features of Hilt are being relied upon to support the rejection of**
4 **the dependent claims.**

5
6 **Claims 4-6**

7 Claims 4 and 5 recite that “the financial service center receives batch bill
8 information along with authentication strings from the biller” (claim 4), and “the
9 authentication strings are sent to the third-party to authorize delivery of the second
10 component” (claim 5).

11 Hilt does not show or disclose a financial service center that receives batch
12 bill information along with authentication strings from a biller, as recited in
13 claim 4. Hilt only describes that a biller sends a bill to a consumer (*Hilt* col.17,
14 lines 28-29; Figs. 4, 7-8). To support the assertion of anticipation, the Office
15 generally cites to Hilt col.18, line 10 to col.19, line 55 (*Office Action* p.4).
16 However, the Office does not provide any indication as to which feature(s) in Hilt
17 the Office is relying on to reject claims 4 and 5 (*Office Action* p.4). The
18 referenced section of Hilt simply describes a process of converting a
19 non-participating biller into a participation biller, but does not discuss batch billing
20 as recited in claim 4 (*Hilt* col.19, lines 38-39). Further, Hilt does not show or
21 disclose third-party or authentication strings, as recited in claim 5.

22 Hilt does not disclose all of the elements of claims 4 and 5 as would be
23 required to substantiate a §102 rejection. Accordingly, claims 4 and 5 are
24 allowable over Hilt and Appellant respectfully requests that the §102 rejection be
25 withdrawn.

1 Claim 6 recites that "each of the financial service center and the third-party
2 independently create the electronic billing statement on the Web server." Hilt
3 does not show or disclose any such electronic billing statement created on a Web
4 server, as recited in claim 6. In rejecting claim 6, the Office generally cites to Hilt
5 at col.17, lines 28-54 and to the description for Hilt Fig. 9. However, neither
6 section of Hilt discloses any electronic billing statement, and the Office has not
7 provided any indication as to which feature(s) in Hilt the Office may be relying on
8 to reject claim 6.

9 Accordingly, claim 6 is also allowable over Hilt and, without a proper basis
10 for rejection, Appellant respectfully requests that the §102 rejection be withdrawn.

11
12 (C) Hilt does not disclose a financial service center providing a
13 common network address where consumers can review and pay
14 bills from a number of billers.

15
16 Claim 9

17 Independent claim 9 recites:

18 A network facilitating electronic bill payment and presentment to
19 consumers, the network comprising:

20 a financial service center, providing a common network address where
21 consumers can review and pay bills from a number of billers, to host at least a
subset of a billing statement for review by a requesting user; and

22 a third-party server, coupled to the financial service center, to provide bill
23 summary information to the financial service center, which securely and
24 imperceptibly redirects the user to the third-party server which hosts at least a
subset of the billing statement comprising detailed billing information.

1 Appellant submits that Hilt does not show or disclose a financial service
2 center providing a common network address where consumers can review and pay
3 bills from a number of billers, as recited in claim 9. Hilt only describes that a
4 consumer can pay bills at a consumer's bank (*Hilt* col.12, line 48 to col.15, line 9;
5 Fig. 4). There is no indication in Hilt that a consumer can also review bills from a
6 number of other billers at a single location. In Hilt, each biller sends each
7 customer an individual invoice (*Hilt* col.13, lines 30-56; Fig. 4).

8 Hilt also does not show or disclose any third-party server coupled to the
9 financial service center, to provide bill summary information to the financial
10 service center, which also redirects the user to the third-party server which hosts at
11 least a subset of the billing statement comprising detailed billing information.
12 Again, Hilt only describes that each biller sends each customer an individual
13 invoice – there is no collaborative effort to generate a billing statement for a user
14 in Hilt.

15 Accordingly, independent claim 9 is allowable over Hilt for at least any one
16 of these reasons and Appellant respectfully requests that the §102 rejection be
17 withdrawn.

1 (D) Hilt does not disclose a development platform to develop content
2 for publication via a electronic bill presentment and payment
3 system for posting to users of the system.
4

5 Claims 19-22

6 Independent claim 19 recites:

7 An electronic bill presentment and payment (EBPP) system comprising:

8 one or more servers, coupled to a data network, through which billers and
9 consumers access the EBPP system; and

10 a secure third-party development platform via which authorized third-party
11 content developers can develop content for publication via the EBPP system for
12 posting to users of the EBPP system on the one or more servers.

13 Appellant submits that Hilt does not show or disclose a development
14 platform to develop content for publication via the electronic bill presentment and
15 payment (EBPP) system for posting to users of the EBPP system, as recited in
16 claim 19. The Office states that Hilt teaches the development platform (and
17 generally cites to Hilt at col.12, line 48 to col.13, line 23, col.15, lines 10-48; and
18 col.16 line 13 to col.17, line 55), but is not specific as to what feature(s) in Hilt the
19 Office is relying on to reject claim 19 (*Office Action* p.5).

20 The referenced sections of Hilt do not show or disclose a development
21 platform to develop content for publication via the EBPP system for posting to
22 users of the EBPP system, as recited in claim 19. Accordingly, independent
23 claim 19 along with dependent claims 20-22 are allowable over Hilt and Appellant
24 respectfully requests that the §102 rejection be withdrawn.
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(viii) Claims Appendix

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3 1. An electronic billing statement presented as a user interface (UI), the
4 electronic billing statement comprising:

5 a first component hosted by a financial service center on a Web server, the
6 first component to navigate the user interface (UI) and invoke one or more
7 functions of the financial service center; and

8 a second component hosted by a third-party, the second component to
9 provide detailed billing information from a biller to a user of the financial service
10 center on the Web server.

11 2. An electronic billing statement according to claim 1, wherein the
12 second component is only provided to the user upon verification of user
13 authorization to receive the detailed billing information.

14
15 3. An electronic billing statement according to claim 2, wherein the
16 first component provides summary billing information.

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18 4. An electronic billing statement according to claim 3, wherein the
19 financial service center receives batch bill information along with authentication
20 strings from the biller.

21
22 5. An electronic billing statement according to claim 4, wherein the
23 authentication strings are sent to the third-party to authorize delivery of the second
24 component.
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2 6. An electronic billing statement according to claim 1, wherein each of
3 the financial service center and the third-party independently create the electronic
4 billing statement on the Web server.

5
6 7. An electronic billing statement according to claim 1, wherein the
7 electronic billing statement is comprised of a plurality of exccutable instructions
8 sent from the financial service center and the third-party for rendering in a browser
9 executing on a user computing system.

10
11 8. A storage medium comprising a plurality of executable instructions
12 which, when executed, render an electronic billing statement according to claim 1.

13
14 9. A network facilitating electronic bill payment and presentment to
15 consumers, the network comprising:

16 a financial service center, providing a common network address where
17 consumers can review and pay bills from a number of billers, to host at least a
18 subset of a billing statement for review by a requesting user; and

19 a third-party server, coupled to the financial service center, to provide bill
20 summary information to the financial service center, which securely and
21 imperceptibly redirects the user to the third-party server which hosts at least a
22 subset of the billing statement comprising detailed billing information.

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1 19. An electronic bill presentment and payment (EBPP) system
2 comprising:

3 one or more servers, coupled to a data network, through which billers and
4 consumers access the EBPP system; and

5 a secure third-party development platform via which authorized third-party
6 content developers can develop content for publication via the EBPP system for
7 posting to users of the EBPP system on the one or more servers.

8
9 20. An EBPP system according to claim 19, wherein the secure third-
10 party development platform comprises a validation agent to automatically test and
11 certify that the content developed by a third-party content developer is robust and
12 will not harm production servers.

13
14 21. An EBPP system according to claim 20, further comprising:
15 a production server, to receive validated third-party content; and
16 a simulation agent, to automatically perform load testing on the validated
17 third-party content.
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20 22. An EBPP system according to claim 21, wherein third-party content
21 that passes load testing is promoted from the secure third-party development
22 platform to the one or more servers for access and use by the users.
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1 **23.** A method for validating third-party developed content for
2 publication through an electronic bill presentment and payment (EBPP) system,
3 the method comprising:

4 receiving third-party developed content for posting to users of the EBPP
5 system;

6 reading the received third-party developed content to identify logical,
7 syntactical or security errors;

8 promoting only that content for which no errors are identified for
9 publication on one or more servers comprising the EBPP system; and

10 issuing instructions to a requesting user to render a billing statement as a
11 user interface, wherein the billing statement reflects the third-party developed
12 content, while one section of the billing statement is hosted by the one or more
13 servers, while another section of the billing statement is hosted by a third-party
14 server.

15
16 **24.** A method according to claim 23, wherein promoting the content
17 comprises:

18 posting validated third-party content to a production server; and

19 simulating consumer load on the validated third-party content to ensure that
20 the content will perform under load.
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1 25. A method according to claim 24, further comprising posting third-
2 party content from the production server to the one or more servers providing a
3 consumer interface to the EBPP system upon verification that the third-party
4 content will perform under consumer load.

5
6 27. A method according to claim 23, wherein the third-party server is
7 hosted by a biller.
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1 **(ix) Evidence Appendix**

2 None.

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4 **(x) Related Proceedings Appendix**

5 None.

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